

GOVERNMENT OF TELANGANA
ABSTRACT

Public Services - Sri Lateefuddin Ahmed, Junior Assistant (Retd) - Regularization of Services in the cadre of Junior Assistant w.e.f. 08.01.1987 i.e his initial date of appointment - Orders - Issued.

-X-

REVENUE (EXCISE-I) DEPARTMENT

G.O.MS.No. 176

Dated: 24/09/2015

Read the following:-

1. From the CPE, Lr.Cr.No.4517/87/CPE/H4, dt.23.1.2010.
2. Hon'ble A.P.A.T., Orders dated 06.08.2014 in O.A.No.10187/2011.
3. Govt.Memo.No.4157/Ex.I(2)/2014-1,Dated:06-09-2014.
4. From CPE, Telangana, Hyderabad Cr.No.958/2012/CPE,H4/B3, dated 12-09-2014.
5. From Sri Lateefuddin Ahmed, Junior Asst (Retd), Representation Dated: 13-10-2014.

ORDER:

In the reference 1st read above, the Commissioner of Prohibition and Excise has reported that Sri Lateefuddin Ahmed and Sri G.Shankar were appointed as Junior Assistants, among others, in the O/o: the Excise Superintendent, Karimnagar in the month of 11/1986 during the strike period on a consolidated pay of Rs.25/- per month. Their services were terminated when the strike came to an end. Aggrieved by the same they approached the Tribunal and by virtue of orders of Hon'ble Tribunal in R.P.No.26/1987 both the individuals were appointed in the regular scale of pay of Rs. 425-650. In the month of January 1987 their services were once again terminated. Aggrieved, both the individuals again obtained orders from Tribunal on 11.02.1987 suspending the termination proceedings and continued in service.

2. In G.O.Ms.No.193, General Administration (Services. A) Dept., dated 14.03.1990 for regularization of services of all the employees who have put in continuous service of 6 months, however subject to satisfaction of other conditions mentioned therein. Based on the said G.O. both the individuals have filed applications for their regularization in terms of above referred G.O. The Excise Superintendent, Karimnagar has also addressed the Government in this regard. But, Government have in turn given direction vide Memo dated 15.02.2003 to discharge the services of the above individuals.

3. The both the individuals have once again challenged above action by filing O.A.No. 1780/2003. The Hon'ble Tribunal disposed off the said O.A. on 08.06.2009 with a direction to consider the case of the applicants for regularization of their services in terms of G.O.Ms.No.193, dated 14.03.1990 and also given direction to avail the services of applicants in which they were continuing till final orders are passed.

(P.T.O)

4. In pursuance of the above directions of the Tribunal, the individuals were being continued in service and given regular pay scales attached to the posts from time to time.

5. In the meanwhile, Act 2 of 1994 came in to force and G.O.Ms.No.212, dated 22.04.1994 was issued with regard to regularization of services of temporary employees. In terms of said G.O., the Excise Superintendent, Karimnagar has furnished proposals to Government for regularizing the services of Sri Lateefuddin Ahmed and Sri G.Shankar. While the matter was under examination, Sri Lateefuddin Ahmed has attained the age of superannuation on 30.09.2010. According to the above referred G.O., the regularization of temporary employees shall be with effect from the date of issue of order but not with retrospective effect. As such, the service of Sri G.Shankar has alone been regularized vide G.O.Ms.No.1656, Revenue (Excise-I) Department, dated 24.08.2011 leaving the candidature of Sri Lateefuddin Ahmed since as on the date of issue of regularization order the individual was no more in service.

6. Aggrieved by the above action, Sri Lateefuddin Ahmed filed O.A. No. 10187/2011 before the Tribunal. The Hon'ble Tribunal in its order dated 06.08.2014 has observed that:

- (i) There is no dispute that the applicant has put in more than 5 years of continuous service as on 25.11.1993 and there is nothing mentioned in the G.O.Ms.No.212, that the regularization should be only prospective.
- (ii) it is not the case of the respondents that there were no vacancies at the relevant point of time for regularization of his services.
- (iii) the action in not extending the benefit given to Sri G.Shankar to the applicant is discriminatory and it is not fault of the applicant and that had the respondent taken prompt action the applicant would have got the benefit on par with Sri G.Shankar, while in service.

7. In view of the above, the Tribunal held that the action of the respondents in rejecting the case of the applicant solely on the ground of retirement can not be upheld and therefore viewed that the respondents should be allowed to take shelter under their own latches and therefore the applicant services should be regularized from 25.11.1993 so that he will have the benefit of pension and if there are vacancies as on the cut of date he is entitled for regularization under G.O.Ms.No.212 apart from G.O.Ms.No.193.

8. Government after carefully examination of the entire issue have observed that the instance case, the initial appointment was made under Rule 10(a) (i) of APS&S Rules and the individual continued in-service on a pay scale with regular increments and other benefits for a period of about 23 years. It is not in the nature of in temporary appointment covered by the scheme framed in G.O.Ms.No.212. It appears G.O.Ms.No.212 was brought

into the picture only on the ground that all earlier GOs pertaining to regularization were superseded by G.O.Ms.No.212.

9. The scheme formulated vide G.O.Ms.No.212 Fin & Plg dated 22.04.1994 is meant for regularization of service of NMR /Daily wage or consolidated pay employees only. The individual was appointed under Rule 10(a) (i) of APS&S Rules vide proceeding Rc.No.117/87/Ex./A1, dated 08.01.1987 and he was continued in services on a pay scale with regular increments and other benefits for a period of about 23 years. Therefore, the services of Sri Lateefuddin Ahmed, Junior Assistant (Retd) hereby regularized in the category of Junior Assistant w.e.f his initial date of appointment i.e., 08.01.1987.

10. Accordingly, the Government hereby decided to regularize the services of Sri Lateefuddin Ahmed, in the cadre of Junior Assistant with effect from his initial date of appointment i.e., 08.01.1987.

11. The Commissioner of Prohibition & Excise, Telangana, Hyderabad, shall take necessary further action in the matter accordingly.

12. This order issues with the concurrence of Finance Department vide their U.O. No.11349/114/A2/HRM.I/2015, Dated.19.09.2015.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

AJAY MISRA
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Commissioner of Prohibition and Excise,
Telangana, Hyderabad.
The Individual through the Commissioner of Prohibition and
Excise, Telangana, Hyderabad

Copy to:

The G.P. for Revenue (Ser) A.P.A.T., Hyderabad. (w.r.to Orders
of Tribunal, dated.06.08.2014 in O.A.No.10187/2011)

Sf/Sc.

// Forwarded:: By :: Order//

SECTION OFFICER